

Appl. No. 10/820,043  
Amdt. Dated 12 30, 2004  
Reply to Office Action of 10 01, 2004

### **REMARKS/ARGUMENTS**

Applicant gratefully acknowledges the thorough Examination to date and has made an effort to fully respond to all the issues raised by the Examiner. Reconsideration of the application in view of the following remarks is respectfully solicited.

#### **In the Specification**

In the specification, Applicant amended the specification to add a statement of the invention in direct agreement with the language of new independent claim 3. Applicant has also amended page 3 of the description to better define the invention and correct some typographical errors. Applicant confirms no new matter has been added to the description.

#### **Rejection of Claims 1 and 2 under 35 U.S.C. 112**

The Examiner has rejected Claims 1 and 2 as being indefinite for improper structure. Applicant submits that new Claims 3-7 overcome the Examiner's rejection.

#### **Rejection of Claims 1 and 2 under 35 U.S.C. 102(b)**

The Examiner has rejected Claims 1 and 2 as being anticipated by Figure 1 of Skaats (United States Patent No. 4,142,515). The Applicant submits that the new Claims 3-7 overcome the Examiner's rejection. However, the Applicant has commented on the cited reference to distinguish the claimed elements of the instant invention from the teachings of the cited reference.

Applicant respectfully submits that the present invention is novel in view of the Skaats reference. In his rejection, the Examiner has stated that:

"Note a "hot water on demand system" including a hot water heater 23, one or more plumbing fixtures 17, 18, 28, 29, and a first hot water line 27 and a second "return line" in communication with a pump 36. A check valve 19 (claim 2) is shown."

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Applicant respectfully submits that the amended claims are novel in view of the Skaats reference because Skaats does not disclose "a second check valve coupled to the hot water return line between the inlet port and each plumbing fixture for preventing pressure reduction in the hot water return line below a predetermined level and thereby preventing cold water from entering the hot water return line". Applicant submits that the function of the second check valve is to ensure that when several taps in a household are opened simultaneously, there is no negative pressure in the system which would result in the pull of cold water from the open taps into the system, thereby resulting in a temperature drop in the water at the tap. Applicant respectfully submits that Skaats does not teach nor suggest this feature of the claimed invention.

Applicant further submits that the Skaats system is a "timed" water recirculation system while that of the present invention is a continuous water recirculation system which allows for hot water immediately at a tap connected to the system. Skaats teaches that a circulation pump responds to a drop in pressure which results from the opening of a tap, and then supplies hot water to the unit for a timed interval. In contrast to Skaats, the pump means of the present invention continually circulates water in the system, thereby allowing hot water almost immediately at each tap connected to the system. The continuous circulation of hot water throughout the system also reduces the likelihood of freezing in the pipes of the system.

Applicant submits that the present invention is simpler in design, easier to manufacture and less expensive to produce and install than the one taught by Skaats. Applicant submits that the present is directed for use in household while that of the Skaats patent is directed for use in apartment complexes and large buildings. Therefore, in view of the differences between the claimed invention and the cited reference, Applicant respectfully submits that new claims 3-7 are novel in view of the Skaats reference.

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**Conclusion**

Applicant respectfully submits that the rejections under 35 USC 112, and 35 USC 102 have been traversed by the above amendments and remarks. Applicant respectfully submits that all of the claims presently standing in the application are patentably distinguished from teachings of the Skaats et al. patent. Accordingly, reconsideration and allowance of this application is respectfully solicited.

Should any further fees or payments be necessary for entry of this amendment and further prosecution of this application, the undersigned hereby authorizes the Commissioner to debit and/or credit our Deposit Account No. 16-0600.

Respectfully Submitted,  
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